

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69912 of 2021

Arising Out of PS. Case No.-43 Year-2017 Thana- BARIYARPUR District- Munger

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DILIP KUMAR, S/o Mahesh Mandal Resident of Kathara, P.S.- Bariyarpur,
District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajiv Kumar Singh

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 09-02-2022 Heard Mr. Pankaj Kumar Sinha, learned

advocate for the petitioner and learned APP for the

State.

The petitioner has renewed his prayer for
bail in connection with Sessions Trial No. 25 of
2021, arising out of Bariyarpur P. S. Case No. 43 of
2017.

The prayer for bail of the petitioner was
earlier rejected *vide* order dated 7th of January,
2021 passed in Cr. Misc. No. 26971 of 2020.

While rejecting the prayer for bail, this
Court had noted that though the occurrence took
place out of a small dispute but the petitioner was

alleged to have assaulted the deceased by means of Lathi on his head.

Considering the nature of accusation against the petitioner, the prayer for bail was rejected but he was directed to approach the trial court for grant of bail if there was no substantial progress in the case within the next six months.

The learned advocate for the petitioner has submitted that he is in custody since 17.08.2019 but no witness has been examined up till now.

The petitioner approached the trial court for grant of bail but that application has also been rejected *vide* order dated 17.09.2021 and the reason for not concluding it has not at all been stated. All that has been communicated to the petitioner by way of the order is that the charges in this case was framed on 08.09.2021 and no witness could be examined because of restricted court proceedings during Covid-19 pandemic.

No doubt, the proceedings of the trial court were disturbed all over the country because of the pandemic but that cannot be any justifiable reason

for the continued incarceration of the petitioner pending trial.

This Court had called for a report from the court below about the stage of the case. The report dated 20th of January, 2022 indicates that up till now, not a single charge-sheet witness has been examined.

Considering the afore-mentioned stage of the case, this Court is inclined to grant bail to the petitioner during the pendency of the trial subject to certain conditions.

The petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Munger, in connection with Sessions Trial No. 25 of 2021, arising out of Bariyarpur P. S. Case No. 43 of 2017.

At the time of furnishing of bail-bonds, the trial court shall insist for an additional affidavit with an undertaking of the petitioner that he shall participate in the trial on each and every date and

shall not absent himself on any account whatsoever without prior approval of the trial court. He shall also undertake not to leave the territorial confines of the district where the trial is being held and on 1st Wednesday of every month, he shall get his presence marked before the Officer Incharge of the concerned police station. The petitioner shall also, at the time of furnishing his bonds, give his mobile telephone number which he shall keep in operative condition till the conclusion of the trial.

Any breach of the aforesaid condition would entitle the informant or the Investigator or the trial court to proceed for cancellation of the bail granted to the petitioner.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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